



THE CITY OF NEW YORK
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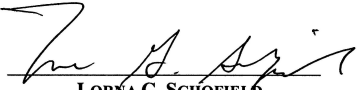
VIA ECF

Honorable Lorna G. Schofield
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application **GRANTED**. Defendant's proposed amended briefing schedule is adopted. Defendant shall file its motion by **November 18, 2022**. Plaintiff may file a response by **December 16, 2022**, but is not required to do so. The parties' memoranda of law each shall not exceed 25 pages. No reply shall be filed unless requested by the Court. The stay of the deadline to respond to the Complaint and of discovery remains in place. So Ordered.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se plaintiff.

Re: *Edris v. City of New York et al.*, Dated: October 17, 2022
22-CV-07095 (LGS)(GWG) New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney assigned to represent defendant City of New York ("City").¹ City writes to respectfully request a thirty (30) day extension from October 19, 2022 to November 18, 2022 to file its motion to dismiss and for the Court to amend the briefing schedule as detailed below. The undersigned was unable to contact *pro se* Plaintiff to inquire if he consents to the instant application because he is *pro se* and there is no telephone number listed on the Court docket.

By way of background, *pro se* plaintiff alleges, *inter alia*, that he attempted to report to various police precincts injuries to his anus and items that were stolen from him and/or destroyed but the police refused to investigate. *Docket Entry #1, Complaint at page 5 of 7*. Plaintiff alleges that these incidents occurred in Brooklyn, the Bronx, Manhattan, and Queens and that these incidents have been ongoing since January 21, 1993. *Id.*

¹ The NYPD and DHS are non-suable agencies of the City. See *Jenkins v. City of N.Y.*, 478 F.3d 76, 93 n.19 (2d Cir. 2007) citing *Wray v. City of New York*, 340 F. Supp. 2d 291, 303 (E.D.N.Y. 2004) (quoting N.Y.C. Charter § 396 ("All actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the City of New York and not in that of any agency, except where otherwise provided by law."))

Upon information and belief, the complaint that Plaintiff admitted to filing in New York State Supreme Court in this case, see Docket Entry #1 at pg. 6, was an Order to Show cause and was subsequently dismissed. According to the WebCivil Supreme case lookup, the disposition date for this state court matter was October 1, 2021. However, upon information and belief, this action is currently being appealed in the 1st Department under appeals docket no. 22022-00106. The City is requesting the instant adjournment to further investigate this related state action.

Accordingly, the City respectfully requests for the Court to order an amended briefing schedule as follows:

- City's moving papers due on November 18, 2022;
- As previously indicated in Your Honor's September 15, 2022 Order, Plaintiff may file a response, but is not required to do so;
- No Reply shall be filed unless requested by the Court.

Further, the City respectfully requests that the City's deadline to respond to the complaint and discovery continue to be stayed as was previously ordered in Your Honor's September 15, 2022 Order.

Thank you for your consideration of the instant application.

Respectfully submitted,

/s/ Thomas Lai

Thomas Lai

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Special Federal Litigation Division

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